

Understanding TCA 68-120-101 and Exempt Jurisdiction's Minimum Code Requirements.

There has been some recent confusion regarding jurisdictions that have complied with 68-120-101 (exempt jurisdictions). The confusion misstates the final date that exempt jurisdictions can stay on the 1999 Standard Building Code before being required to adopt a later generation of the International Building Code or lose their exempt status. In order to explain this issue, one must first understand the basic divisions of the statute. The major divisions pertain to:

- (a) Minimum state wide building standards.
- (b) Exempt jurisdictions.
- (c) Exclusions to the minimum state wide standards.
- (d) Establishment of review fees and occupancies to be reviewed.
- (e) State Fire Marshal's Office filing referenced publication with the secretary of state.

Nothing in TCA 68-120-101(a) requires any specific edition of code for the minimum state wide standards. This means, as long as the State Fire Marshal's Office keeps and maintains the Standard Building Code, 1999 edition, non-exempt jurisdictions are held to no more nor less of a standard. Part (a) does not prevent any non-exempt jurisdiction from adopting any version of the International Building Code but should a concurrent jurisdiction choose to do so on a local level, that jurisdiction must uphold the more stringent of both codes. In other words, nothing will permit a non-exempt jurisdiction to adopt anything less stringent than the state's minimum standard (i.e. SBC 1999 ed.).

The requirements of part (b) have unfortunately been confused recently. Part (b)(1) simply permits part (a) to separate from (b). Part (b)(2)(A) simply sets the available codes for exempt jurisdictions to choose from. Subpart (2)(B) establishes that exempt jurisdictions must review at least the same occupancies that the State Fire Marshal's Office would under part (d) as well as the enforcing their adopted code. Subpart (2)(C) requires any newer versions of available code to be reasonably effective. Part (b)(3) requires auditing by [by SFMO] at least every third year.

TCA 68-120-101(b)(4) is where the confusion is oriented. Subpart (4)(B) grants the authority for the SFMO to revoke the exempt status. **Tennessee Code Annotated 68-120-101(b)(4)(A) states "The local government's building construction safety code publications are not current within seven (7) years of the date of the latest editions thereof, unless otherwise approved by the state fire marshal;"** The State Fire Marshal has approved the 1999 Standard Building Code until December 31, 2007. The State Fire Marshal has the authority to extend this date beyond December 31, 2007.